

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **SANDRA A. BEBAK, M.D.**4 Holder of License No. 18834
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-17-0347A

**ORDER FOR PROBATION; AND
CONSENT TO THE SAME**

7 Sandra A. Bebak, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Probation; admits the jurisdiction of the
9 Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

10
11 1. The Board is the duly constituted authority for the regulation and control of
12 the practice of allopathic medicine in the State of Arizona.

13 2. Respondent is the holder of license number 18834 for the practice of
14 allopathic medicine in the State of Arizona.

15 3. The Board initiated case number MD-17-0347A after receiving a complaint
16 regarding Respondent's care and treatment of three patients alleging inappropriate
17 prescribing.

Patient CE

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19 4. This 20 year-old female patient established care with Respondent on April
20 23, 2014 for treatment of severe headaches. Respondent prescribed Fiorinal and Flexeril.
21 CE returned on April 29, 2014 stating that the medications were not helping, and
22 Respondent prescribed Norco 7.5/325. Respondent continued to prescribe CE Norco at
23 that dose until December 2, 2014, when CE reported a left radial fracture and requested
24 oxycodone 15 mg. CE signed controlled substance agreements on May 19 and October
25 15, 2015.

1 continued on an approximate monthly basis until October 26, 2015 when Respondent
2 again increased the dose to 2mg #60, and continued this dose through May 30, 2017.

3 10. Respondent initiated monthly narcotics for migraine headaches in June of
4 2012, maintaining TA on a relatively stable dose of hydrocodone until June of 2014 when
5 she increased TA's dose to hydrocodone to 10/325. The hydrocodone quantity slowly
6 increased until March of 2016 when Respondent switched TA to oxycodone 10mg #180
7 and continued to prescribe at that dose through May 26, 2017. TA did see neurology for
8 headaches in March of 2014 and received botox injections in October of 2014, and
9 January, May and August of 2015. TA appeared to be compliant with her neurology
10 appointments. TA entered into a pain agreement on June 16, 2015 and again on
11 December 8, 2016.

12 **Deviations from the Standard of Care**

13 11. The standard of care for the treatment of non-cancer pain with opioids
14 requires a physician to review the Controlled Substance Prescription Monitoring Program
15 ("CSPMP") database and perform urine drug testing to monitor for medication compliance.
16 Respondent deviated from the standard of care in his treatment of CE, TA and AW by
17 failing to review the CSPMP database and perform urine drug testing.

18 12. The standard of care for the treatment of non-cancer pain with opioids
19 requires a physician to avoid prescribing opioids in combination with benzodiazepines.
20 Respondent deviated from the standard of care by prescribing opioids in combination with
21 benzodiazepines for patients AW and TA.

22 13. There was potential for patient harm in that the amount of narcotics
23 prescribed and narcotic dosing escalated for several years in all three patients, without
24 obvious evidence of patient benefit, and there was also the potential for narcotic diversion
25

1 due to the lack of periodic urine drug monitoring in all three patients. There was also
2 concern for the opioid and benzodiazepine combination with patients AW and TA.

3 14. The Board issued Respondent a non-disciplinary Order for Continuing
4 Medical Education ("CME") in case number MD-14-0616A, requiring Respondent to
5 complete intensive, in-person CME in controlled substance prescribing. Respondent
6 timely completed the CME on or about January 17, 2017.

7 **CONCLUSIONS OF LAW**

8 a. The Board possesses jurisdiction over the subject matter hereof and over
9 Respondent.

10 b. The conduct and circumstances described above constitute unprofessional
11 conduct pursuant to A.R.S. § 32-1401(27)(e)("Falling or refusing to maintain adequate
12 records on a patient.").

13 c. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(27)(q)("Any conduct or practice that is or might be
15 harmful or dangerous to the health of the patient or the public.").

16 **ORDER**

17 IT IS HEREBY ORDERED THAT:

18 1. Respondent is placed on Probation for a period of 2 years with the following
19 terms and conditions:

20 a. **Chart Reviews**

21 Within 30 days of the effective date of this Order, Respondent shall enter into a
22 contract with a Board-approved monitoring company to perform periodic chart reviews at
23 Respondent's expense. The chart reviews shall involve current patients' charts for care
24 rendered after January 17, 2017. Probation shall remain in effect for at least 18 months,
25 and after two consecutive favorable chart reviews, Respondent may petition the Board to

1 terminate the Probation. Based upon the chart review, the Board retains jurisdiction to
2 take additional disciplinary or remedial action.

3 **b. Obey All Laws**

4 Respondent shall obey all state, federal and local laws, all rules governing the
5 practice of medicine in Arizona, and remain in full compliance with any court ordered
6 criminal probation, payments and other orders.

7 **c. Tolling**

8 In the event Respondent should leave Arizona to reside or practice outside the
9 State or for any reason should Respondent stop practicing medicine in Arizona,
10 Respondent shall notify the Executive Director in writing within ten days of departure and
11 return or the dates of non-practice within Arizona. Non-practice is defined as any period of
12 time exceeding thirty days during which Respondent is not engaging in the practice of
13 medicine. Periods of temporary or permanent residence or practice outside Arizona or of
14 non-practice within Arizona, will not apply to the reduction of the probationary period.

15 **d. Probation Termination**

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17 Prior to the termination of Probation, Respondent must submit a written request to
18 the Board for release from the terms of this Order. Respondent's request for release will
19 be placed on the next pending Board agenda, provided a complete submission is received
20 by Board staff no less than 30 days prior to the Board meeting. Respondent's request for
21 release must provide the Board with evidence establishing that she has successfully
22 satisfied all of the terms and conditions of this Order. The Board has the sole discretion to
23 determine whether all of the terms and conditions of this Order have been met or whether
24 to take any other action that is consistent with its statutory and regulatory authority.

25

1 2. The Board retains jurisdiction and may initiate new action against
2 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(r).

3 DATED AND EFFECTIVE this 14th day of June, 2018.

4
5 ARIZONA MEDICAL BOARD
6 By Patricia E. McSorley
7 Patricia E. McSorley
8 Executive Director

9 **CONSENT TO ENTRY OF ORDER**

10 1. Respondent has read and understands this Consent Agreement and the
11 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
12 acknowledges she has the right to consult with legal counsel regarding this matter.

13 2. Respondent acknowledges and agrees that this Order is entered into freely
14 and voluntarily and that no promise was made or coercion used to induce such entry.

15 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
16 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
17 this Order in its entirety as issued by the Board, and waives any other cause of action
18 related thereto or arising from said Order.

19 4. The Order is not effective until approved by the Board and signed by its
20 Executive Director.

21 5. All admissions made by Respondent are solely for final disposition of this
22 matter and any subsequent related administrative proceedings or civil litigation involving
23 the Board and Respondent. Therefore, said admissions by Respondent are not intended
24 or made for any other use, such as in the context of another state or federal government
25 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
any other state or federal court.

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EXECUTED COPY of the foregoing mailed
this 14th day of June, 2018 to:

Sandra A. Bebak, M.D.
Address of Record

ORIGINAL of the foregoing filed
this 14th day of June, 2018 with:

Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

May Bole
Board Staff